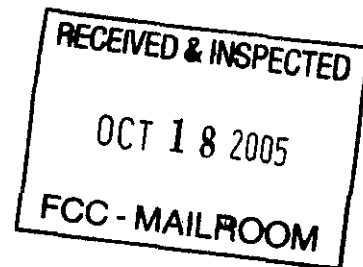


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October 11, 2005
Letter of Appeal
FCC
Office of the Secretary
445 12th Street SW
Washington DC 20554

Dear Sir or Madame:

This letter is to file an appeal of an **Administrator's Decision on Appeal** (letter dated August 31, 2005.)

This appeal references:

CC Docket No. 02-6
Funding Year: Year 7
Applicant Name: Pitt County Schools
Billed Entity Number: 126888
471 Application Number: 405831
FRNs: 1111287, 1111300, 1111315

On May 10, 2005, USAC denied Pitt County's funding request for this application. On May 24, 2005, Pitt County appealed the USAC decision. On August 31, 2005, USAC denied Pitt County's appeal. **Please see attached documents: Exhibit A Original Denial; Exhibit B Letter of Appeal; Exhibit C USAC Denial of Appeal; Exhibit D Sprint Corp. Petition for Wavier.**

Pitt County Schools respectfully requests that the Commission reverse USAC's August 31, 2005, decision, and direct USAC to approve Priority 1 funding for the FRN at issue here for the remainder of Pitt County's 60-month contract.

In support of its appeal, Pitt County emphasizes the following:

First, the FCC changed eligibility of Priority 1 Telecommunications bundles without due process. Between 1999-December 2003, USAC approved scores of Priority 1 E-rate funding requests as part of an end-to-end telecommunications service arrangement. On December 17, 2003, the FCC adopted the Third Report and Order disallowing certain equipment as part of an end-to-end configuration, because it is not effectively end-to-end access to telecommunications. This abrupt reversal of policy has caused significant hardship to Pitt County and many other applicants who entered into long-term contracts with their service providers for a traditional, seamless solution, with the reasonable expectation that existing Commission policy regarding end-to-end configurations would continue to apply. Denial of the three FRNs at issue here means that Pitt County will have to find funding of \$24,868.80 for services currently under contract. (This is only one of several such end-to-end solutions some of which have been funded for three successive years.) School districts establish budgets in the preceding fiscal year for the coming year. Our district did so with the understanding that this project—a continuing contract would require the same budgetary match as in past years. School districts operate on a narrow margin with many competing demands for the limited funding available. There is little or no room for budgetary anomalies such as this where an existing contract is denied.

Further, our district firmly believes that there is no better terminology to refer to a telephony system than "Telecommunications." In the post-Columbine days, school districts across the country have come to realize the significant safety issues that a classroom, hardwired telephone provides. A telephone

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system is in-fact a reliable necessity just as Internet is. We feel that it is arbitrary to select a product that so truly epitomizes "Telecommunications" to eliminate from the "Telecommunications" category. It is a burden to our school district to absorb the loss either in classroom telephone service or in funding to support the long-term leased arrangement that now supplies classroom telephones. We entered into this long-term lease in good faith that USAC had approved the project indefinitely. We respectfully request the FCC to grandfather this existing lease. Note the SPRINT CORP. PETITION FOR WAIVER-EXPEDITED ACTION REQUESTED.

The constitutional proscription on "ex post facto" laws was meant to protect parties against new laws that retrospectively change the legal consequences of an earlier event or action. The FCC and USAC have violated the spirit if not the letter of the ex post facto principle by penalizing applicants such as Pitt County that acted on the reasonable expectation that existing FCC policy would continue for the immediate future. Pitt County attempted to maximize the benefit to its students by entering into what was (then) an economical long-term service arrangement prior to December, 2003. We urge the Commission to reward, not penalize, Pitt County for its attempts to use E-rate dollars wisely.

For the reasons cited above, we therefore request that the denial of this FRN be reversed to allow the funding through the life of the 60-month contract.

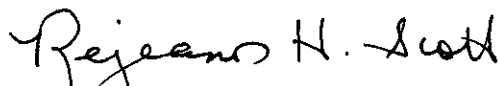
We therefore request that the denial of this application be reversed and that funding be allowed for these projects.

My contact information is as follows:

Rejeanor Scott
Pitt County Schools
1717 West 5th Street
Greenville NC 27834

Phone: 252-830-4210
Fax: 252-830-1277
E-mail: rscott@pitt.k12.nc.us

Respectfully submitted,


Rejeanor H. Scott

Attachments



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 2004: 07/01/2004 - 06/30/2005)

May 10, 2005

Rejeanor Scott
PITT COUNTY SCHOOL DISTRICT
1717 W 5TH ST
GREENVILLE, NC 27834-1601

Re: Form 471 Application Number: 405831
Funding Year 2004: 07/01/2004 - 06/30/2005
Billed Entity Number: 126888
Applicant's Form Identifier: Y7/471/TE5B

*Revised EBA / Elm / St
phases*

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$24,868.80 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked withing 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the

Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Form 471 Application Number: 405831
 Funding Request Number: 1111287 Funding Status: Not Funded
 Services Ordered: Internal Connections
 SPIN: 143019614 Service Provider Name: Sprint - Local Telephone Division
 Contract Number:
 Billing Account Number: 910-025-5000-942
 Service Start Date: 07/01/2004
 Contract Expiration Date: 06/30/2005
 Site Identifier: 28664
 Annual Pre-discount Amount for Eligible Recurring Charges: \$12,480.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
 Pre-discount Amount: \$12,480.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
 Funding Commitment Decision Explanation: The category of service was changed from Telecom to Internal Connections. Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded. Please see www.sl.universalservice.org for further details.

Funding Request Number: 1111300 Funding Status: Not Funded
 Services Ordered: Internal Connections
 SPIN: 143019614 Service Provider Name: Sprint - Local Telephone Division
 Contract Number:
 Billing Account Number: 910-025-5000-942
 Service Start Date: 07/01/2004
 Contract Expiration Date: 06/30/2005
 Site Identifier: 28671
 Annual Pre-discount Amount for Eligible Recurring Charges: \$14,520.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
 Pre-discount Amount: \$14,520.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
 Funding Commitment Decision Explanation: The category of service was changed from Telecom to Internal Connections. Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded. Please see www.sl.universalservice.org for further details.

Funding Request Number: 1111315 Funding Status: Not Funded
 Services Ordered: Internal Connections
 SPIN: 143019614 Service Provider Name: Sprint - Local Telephone Division
 Contract Number:
 Billing Account Number: 910-025-5000-942
 Service Start Date: 07/01/2004
 Contract Expiration Date: 06/30/2005
 Site Identifier: 28631
 Annual Pre-discount Amount for Eligible Recurring Charges: \$12,396.00
 Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
 Pre-discount Amount: \$12,396.00
 Discount Percentage Approved by the SLD: N/A
 Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
 Funding Commitment Decision Explanation: The category of service was changed from Telecom to Internal Connections. Given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded. Please see www.sl.universalservice.org for further details.



Pitt County Schools

1717 West Fifth Street
Greenville, North Carolina 27834
<http://schools.eastnet.ecu.edu/pitt/>

TEL: 252-830-4200
FAX: 252-830-4239

Michael D. Priddy, Ed.D.
Superintendent

May 24, 2005

Schools and Libraries Division
Box 125—Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Letter of Appeal for Pitt County Schools, Entity 126888

This letter is to appeal Funding Commitment Decision Letter dated May 10, 2005 for:

- 471 Application Number **405831**
- Funding Year 2004
- Billed Entity Number **126888**
- Applicant's Form Identifier **Y7/471/TE5B**
- Funding Request Numbers **1111287, 1111300, 1111315**

Reason for appeal: The SLD arbitrarily without permission and without cause changed this funding request from a category **Priority 1 Telecommunications** to a funding request category of **Internal Connections**.

This request is for a multi-year telecommunications lease that was begun prior to December 3, 2003. The SLD has no grounds to change the nature of this request by the school district. These resources are in fact, **Priority I Telecommunications long-term leases**.

Denial of this request will prove an undue hardship on Pitt County Schools in these times of serious budget shortfalls. Without the services provided in this multi-year contract, students will lose valuable communication and learning tools. Pitt County Schools respectfully requests the SLD to reissue this funding request as Priority I Telecommunications.

Rejeanor Scott
rscott@pitt.k12.nc.us
Pitt County Schools
1717 West 5th Street
Greenville, NC 27834
252-830-4210 phone
252-830-1277 fax



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

August 31, 2005

Rejeanor Scott
Pitt County Schools
1717 West Fifth Street
Greenville, NC 27834

Re: Applicant Name: PITT COUNTY SCHOOL DISTRICT
Billed Entity Number: 126888
Form 471 Application Number: 405831
Funding Request Number(s): 1111287, 1111300, 1111315
Your Correspondence Dated: May 24, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1111287, 1111300, 1111315
Decision on Appeal: **Denied**
Explanation:

- On appeal, you are seeking reversal of SLD's decision to change these funding requests from the Priority One Telecommunications category to the Internal Connections category. You assert that there was no reason to change the category because the requests are Priority One Telecommunications long-term leases.
- After thorough review of the information provided during initial review of your Form 471, it was determined that your Item 21 supporting documentation shows that you are requesting Local Service and Leased Nortel BCM Phone Systems with components. Based on the FCC third order revised document regarding On-Premise Priority 1 Equipment (December 1, 2003), PBXs in the Telecommunications Services category are not eligible. They are not eligible as a Priority 1 service, whether leased or purchased. However, these items are still

eligible as Internal Connections. Over 30% of these funding requests are for Internal Connections so, per Program Rules, the service categories were modified to Internal Connections for each funding request. In Funding Year 2004, the funding cap will not allow for the funding of internal connections at your requested discount levels (50% for FRN 1111287, 60% for FRN 1111300 and 80% for FRN 1111315).

- Since the subject requests on your Form 471 included 30% or more Internal Connections products and/or services: Nortel BCM Phone Systems and components within your Block 5 requests for priority one funding, your Form 471 requests were recategorized as requests for Internal Connections. For Funding Year 2004, there are not sufficient funds to provide Internal Connections discounts to applicants at your discount rates. Your discount eligibility is 50% for FRN 1111287, 60% for FRN 1111300 and 80% for FRN 1111315. Consequently, SLD denies your appeal because, given demand, the funding cap will not provide for Internal Connections to be funded at your approved discount level.
- The products and services you listed as Telecommunications or Internet Access on your Form 471 included requests for Internal Connections. FCC rules require that where demand for funding exceeds available support, first priority be given to requests for Telecommunications Services and Internet Access. 47 C.F.R. §54.507(g)(1)(i). FCC rules further require that requests for Internal Connections be given second priority, and be funded only if funds remain after support has been reserved for Telecommunications and Internet Access through all discount levels in an individual funding year. 47 C.F.R. § 54.507(g)(1)(ii). Where demand for discounts for Internal Connections exceeds available support, FCC rules require that funding be awarded first to applicants eligible for a 90 percent discount level, and then at each descending single discount percentage until funds are depleted. 47 C.F.R. § 54.507(g)(1)(iii). Program procedures further require that funding requests for Telecommunications and Internet Access that include 30% or more Internal Connections products and services be recategorized as Internal Connections to prevent priority two funding requests (internal connections) from being treated as priority one requests (Telecommunications and Internet Access services). *See Request for Review by Most Holy Trinity School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd. 18,807, DA 01-2456, ¶ 8 (rel. Oct. 23, 2001).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure"

posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Attachment A

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of)	
)	
Schools and Libraries Universal)	CC Docket No. 02-6
Service Support Mechanism)	

**SPRINT CORP. PETITION FOR WAIVER –
 EXPEDITED ACTION REQUESTED**

Pursuant to Section 1.3 of the FCC's rules, Sprint Corporation hereby respectfully requests that the Commission immediately grant a waiver of Section 54.502 of its Rules, to the extent that this rule prohibits grant of Priority 1 E-rate funding for PBX and key systems as part of an existing end-to-end telecommunications service arrangement. This waiver request applies only to E-rate applicants who have previously (between 1999 through December 1, 2003) received Priority 1 funding for such arrangements provisioned under multi-year contracts, for the remaining term of such contracts. The waiver would not apply to applicants who agree to subscribe to new end-to-end telecommunications service arrangements after December 1, 2003.

I. BACKGROUND AND INTRODUCTION.

In August 1999, the Commission released an order regarding whether certain facilities located on an applicant's premises (routers and hubs) are part of an end-to-end

Internet access service or part of internal connections.¹ The Commission concluded that such facilities could be deemed to be part of a Priority 1 end-to-end service offering (rather than a Priority 2 internal connection) so long as the applicant's internal connections network continued to function without the facilities at issue, and so long as the applicant met several other criteria (non-ownership of the facility, lack of a lease-purchase agreement, lack of a contractually exclusive arrangement, service provider responsibility for maintenance of the facility). On the basis of the *1999 Tennessee Order*, SLD began approving Priority 1 funding requests for end-to-end service arrangements, including scores of funding requests for PBXs and key systems as part of end-to-end telecommunications service arrangements.

On December 1, 2003, SLD posted a revision to its "On-premise Priority 1 Equipment" document in which it stated that Priority 1 funding would not be available for PBXs "because they are utilized to route calls within the premises of a school or library." PBXs would continue to be eligible as Priority 2 Internal Connections. In the recently released *Third Report and Order* in CC Docket No. 02-6, the Commission affirmed that PBXs would no longer be eligible for Priority 1 funding as part of an end-to-end configuration because "the PBX is necessary to maintain the internal communications network, but not its end-to-end access to telecommunications services."²

¹ *Request for Review by the Dept. of Education for the State of Tennessee of the Decisions of the Universal Service Administrator*, 14 FCC Rcd 13734 (1999) ("1999 Tennessee Order").

² *Schools and Libraries Universal Service Support Mechanism, Third Report and Order and Second Further Notice of Proposed Rulemaking*, CC Docket No. 02-6, released December 23, 2003 (FCC 03-323), para. 47.

Attachment A

The Commission's and SLD's reversal of the previous policy of treating PBXs and key systems as Priority 1-eligible so long as they meet the end-to-end service offering criteria poses a serious hardship to schools and libraries who are in the midst of a multi-year contract to obtain telecommunications service under these end-to-end service configurations. These applicants reasonably expected to continue to receive Priority 1 funding for these configurations for the entire contract term, and the elimination of such funding threatens their ability to obtain critical services within budget. To ensure that these schools and libraries are able to continue to obtain these end-to-end telecommunications services, Sprint requests that the Commission waive Section 54.502 of its rules to the extent that this rule embodies the Commission's revised PBX/Priority 1 eligibility policy, as it applies to applicants in the midst of a multi-year contract for end-to-end telecommunications arrangements. As demonstrated below, granting Priority 1 funding to the set of applicants who previously received Priority 1 funding for these services, for the balance of their multi-year contract term, is warranted by the special circumstances at issue here, and would be in the public interest.

II. REQUEST FOR WAIVER

From the date the *1999 Tennessee Order* was released through December 1, 2003, when the policy underlying this order was reversed (at least insofar as it pertained to PBXs and key systems), scores of applicants requested and obtained Priority 1 funding for end-to-end telecommunications service arrangements which included these equipment components. Many schools and libraries entered into multi-year contracts under the reasonable assumption that Priority 1 funding would continue to be available for this end-to-end configuration through the life of their contracts; Sprint alone has 80 customers

who previously obtained Priority 1 funding for their end-to-end telecommunications arrangements, and who have 2-4 years remaining in their contract term. With the SLD's December 2003 announcement that Priority 1 funding for such configurations will no longer be available, affected schools and libraries now face a dire choice: either pay out of pocket for any end-to-end services for which they contracted, and for which they will no longer receive E-rate support, for the balance of the contract term; or get out of the contract (with or without the acquiescence of the service provider), and forego at least some portion of a critical service.³ In most cases, the cost of replacement equipment would be much greater than completing monthly payments under their term contracts.

Both of these options involve serious hardship to affected schools and libraries. In a time of extremely tight budgets, few if any schools and libraries have any discretionary funds available to make up for any lost Priority 1 E-rate funding, or any leeway to engage in deficit spending.⁴ Moreover, even if the service provider were to voluntarily release a school or library from its contract for the end-to-end arrangement,⁵ the service provider will not then provide the needed services for free; the applicant will, absent other funding, be forced to do without at least some of the services it had previously assumed would be available.

³ It is possible that some applicants might split the service offering and seek Priority 1 funding for the telecommunications service portion, and Priority 2 funding for the PBX/key system portion. However, Priority 2 funding will not be available to any school with a discount percentage below the Priority 2 cut-off point (currently 85%). Almost all of Sprint's affected customers have a discount percentage below 80%.

⁴ Indeed, one of Sprint's E-rate customers, a charter school, has advised us that it is a federal offense for it to exceed its mandated budget.

⁵ Multi-year contracts often include penalties for early termination.

To minimize the harm and hardship inflicted by the unexpected reversal of the Commission's PBX/Priority 1 eligibility policy, Sprint requests that this policy (and any implementing rule) be waived as it applies to applicants who previously received Priority 1 funding for these facilities as part of an end-to-end telecommunications service arrangement, for the remaining term of their multi-year contract. Grant of this waiver request will provide critical E-rate support to help ensure that affected schools and libraries continue to receive necessary telecommunications services. This waiver request is limited in scope (to a specific body of affected applicants) and duration, and is unlikely to impose an undue burden on the universal service fund.⁶

Sprint also requests expedited action on this waiver request. The new PBX/Priority 1 eligibility policy has a direct impact on funding requests for the funding year beginning July 1, 2004; funding requests for that year are due by February 4, 2004.⁷ Prompt action on the instant waiver request is needed to avoid any interruption in service during the upcoming funding year.

⁶ Although we have no information on the financial impact of the revised PBX/Priority 1 eligibility policy on the customers of other service providers, Sprint estimates that the dollar value of the equipment portion of the contracts for their unexpired term for our own E-rate customers who have end-to-end telecommunications service arrangements is approximately \$4 million.

⁷ Many affected schools and libraries submitted their funding requests for their end-to-end telecommunications arrangements prior to the SLD's December 1, 2003 announcement that Priority 1 funding for PBXs would no longer be available. It is not clear how these applications will be treated (or indeed, how any of these applications should have been filed under the revised policy), and Sprint therefore requests that any application denied on the basis of the revised PBX/Priority 1 eligibility policy be automatically re-evaluated upon grant of the instant waiver request.

The Commission may grant a waiver of its rules for good cause shown.⁸ Waiver of the Commission's rules is appropriate if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁹ As demonstrated above, because such special circumstances and valid public interest considerations are present here, there is good cause to grant the requested relief.

Respectfully submitted,

SPRINT CORPORATION

Norina Moy
Richard Juhnke
401 9th St., NW, Suite 400
Washington, DC 20004
(202) 585-1915

February 3, 2004

⁸ 47 C.F.R. Section 1.3.

⁹ See *United States Telephone Association Petition for Waiver of Part 32 of the Commission's Rules, Order*, 13 FCC Rcd 214 (CCB 1997) (citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C.Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C.Cir. 1969), cert. denied, 409 U.S. 1027 (1972)).